

WASHINGTON OFFICE:
115 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4906
FAX: (202) 225-4987

HAWAII OFFICE:
5104 PRINCE KUHIO FEDERAL BUILDING
HONOLULU, HI 96850-4974
(808) 541-1986
FAX: (808) 538-0233

NEIGHBOR ISLAND TOLL FREE NUMBERS:

BIG ISLAND	935-3758
KAUAI / NI'HAU	245-1951
MAUI	242-1818
LANA'I	565-7199
MOLOKA'I	552-0160

ed.case@mail.house.gov
www.house.gov/case



CONGRESSMAN ED CASE
2ND DISTRICT, HAWAII

ISLANDS OF HAWAII, MAUI, KAHOLAWE, LANAI,
MOLOKA'I, O'AHU (WINDWARD, NORTH SHORE,
CENTRAL, LEEWARD), KAUAI AND NI'HAU,
AND NORTHWESTERN HAWAIIAN ISLANDS

April 26, 2006

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AND TECHNOLOGY

Vice Admiral Ronald A. Route
Naval Inspector General
Department of the Navy
Building 172
1254 9th Street, S.E.
Washington Navy Yard, D.C. 20374-5133

Ms. Stephanie N. Daigle
Associate Administrator for Congressional
and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Ave., NW, Room 3426 ARN
Washington, D.C., 20460

Dear Admiral Route and Ms. Daigle:

I recently received the enclosed letter from Mr. Walter Chun of OSHCON, Inc regarding contamination of a construction site at Marine Corps Base Hawaii at Kaneohe Bay. Will you please review and, as appropriate, respond to the concerns expressed by Mr. Chun? Thank you.

With aloha,

A handwritten signature in black ink that reads "Ed Case".

ED CASE
United States Congressman
Hawaii, Second District

Enclosure

OSHCON, INC.
Walter Chun
1045 Lolena Place
Honolulu, Hawaii 96817
(808)375-2048
oshman@hawaii.rr.com

EPA HOTLINE
Region 9
75 Hawthorne Street
San Francisco, CA 94105

Office of the Naval Inspector General
Attention: Navy Hotline
1254 Ninth St., S.E., Bldg 172
Washington Navy Yard DC 20374-5006

RE: Contamination of Residential Site at Kaneohe Military Base; **COMPLAINT**

To Whom It May Concern:

This forwards a report of contamination of a residential site and the actions taken by the owners to improperly handle the contaminant, and to neglect their responsibilities to the community. This complaint is filed with the EPA and the Navy IG because it is unclear as to which Agency has the jurisdiction to investigate and respond to the complaint.

The distribution of highly contaminated soil with chlordane, heptachlor and heptachlor-epoxide throughout a residential site will result in exposure to the Marines and their families and contaminate the land for future use. The contamination levels are 20 times higher than the EPA guides and distribution of the contaminated stock piles of this soil can be higher. The exposure of residents to chlordane, heptachlor, and heptachlor-epoxide is not unfamiliar to Hawaii. In the 1980's exposure resulting from feeding contaminated pineapple toppings to the cows resulted in the presence of chlordane in breast milk.

The military construction project at Kaneohe Military Base in Honolulu, Hawaii is reaching the final completion stage. This project consists of 106 buildings with 212 residential units intended for enlisted Marines and their families. The Resident Officer in Charge of Construction (ROICC) manages the project for the Navy. Specific project information is provided in Attachment A.

In the middle of the project the Navy required the contractor to analyze the soils for chlordane contamination. The government's notification prior to contract bid showed that the soil concentrations were within acceptable range and remediation not required. The soil sampling before the demolition showed levels of chlordane less than the EPA preliminary remediation guidelines (PRG). In July 2005 soil samples were taken and high levels of chlordane, above the PRGs, were detected throughout the site. The contractor notified the State of Hawaii Dept of Health and proceeded with the development of a management plan to remediate the contaminated soils. The ROICC intercepted and denied jurisdiction by the State of Hawaii. The ROICC improperly directed the conduct of a risk assessment based on insufficient data and in December

2005 the ROICC directed the contractor to distribute the contaminated topsoils and to proceed with irrigation and landscaping. The contractor repeatedly informed the ROICC from July to December that the site characterization survey did not include sufficient sampling data to be used for a risk assessment, e.g., the sampling data for heptachlor and heptachlor-epoxide is missing; the sampling protocol for a risk assessment had not been developed, etc. The ROICC excluded the contractor and the State of Hawaii from participating in the risk assessment and discarded the Dept of Health's concerns and policy for handling chlordane, heptachlor and heptachlor-epoxide in residential areas.

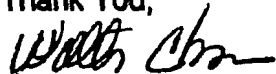
The most recent communication from the ROICC, shown in Attachment B, requires the contractor to spread contaminated topsoil throughout the project, and install irrigation and landscaping. Previous sampling data of the stockpiles of contaminated topsoils is insufficient to characterize the spread of contamination. Future sampling after the topsoils are distributed is also prohibited by the ROICC. The recent correspondence from the ROICC directs this work without the use of an action level and no future sampling. A copy of the risk assessment is shown in Attachment C. Specific issues regarding the risk assessment is described in detail in Attachment D.

This complaint deals with the unilateral direction by the ROICC in the improper establishment of exposure levels twenty times higher than the EPA's PRG; uncontrolled spreading of the contaminant; and their present directive to landscape the area without determining the level of contamination and exposure to the future residents and the environment. Issues and concerns raised by the contractor are met with retaliation by the ROICC. The contractor formally notified the ROICC of their disagreement with the directives and was subsequently directed to comply with the ROICC's direction shown in Attachment B.

The supporting information and documentation is voluminous. Summaries of information have been provided; however any documentation or additional information is available. I can be reached at (808)375-2048, at oshman@hawaii.rr.com; or the above address. The recent rain has caused delays in the project; however the spreading of the contaminated topsoils is scheduled to start in the next week or so.

In view of the retaliation by the ROICC this complaint accompanies a statement of protection under the Whistleblower's Act and any other protection provided by law.

Thank You,



Walter Chun, PHd, CSP, CHSP, CECM

ATTACHMENT A	SPECIFIC INFORMATION
ATTACHMENT B	RECENT ROICC CORRESPONDENCE
ATTACHMENT C	RISK ASSESSMENT
ATTACHMENT D	RISK ASSESSMENT ISSUES

CC:

Senator Inouye

Senator Akaka

Congressman Abercrombie

✓ Congressman Case

Governor Linda Lingle

KMBH Commanding Officer

Terry Metcalf, CEO. President

Navy IG Hotline